

Real Reform

Reform the Rockefeller Drug Laws *New York*

Real Reform New York FACT SHEET: *THE ROCKEFELLER ERA DRUG LAWS*

- Enacted 32 years ago when Nelson Rockefeller was governor, the Rockefeller drug laws require harsh prison terms for the possession or sale of relatively small amounts of drugs.
- The penalties apply without regard to the circumstances of the offense or the individual's character or background. Whether the person is a first-time offender, for instance, is irrelevant—the harsh sentences still apply.
- The Rockefeller drug laws have filled New York State prisons with low-level, non-violent offenders. There are over 15,500 drug offenders locked up in New York State prisons, representing nearly 38% of the prison population and costing New Yorkers \$550 million each year.
- New York State has the harshest sentencing scheme for low-level drug sellers with a prior non-violent felony offense conviction of any state.
- Murderers, arsonists and kidnappers face the same penalties as drug couriers in New York State. Rape and armed robbery carry lesser sanctions.
- Of all the drug offenders sent to New York State prison in 1999, nearly 80% have never been convicted of a violent felony.
- Over 35% of the drug offenders in New York State prisons (about 5,500 people) were locked up for simple drug possession.
- The racist implementation of the Rockefeller drug laws has had a profoundly negative impact on black and Latino communities. Although whites and people of color use drugs at nearly the same rate, blacks and Latinos comprise over 92% of the New York State drug offender population.
- There are more blacks and Latinos entering the prison system for drug offenses each year than there are graduating from the entire SUNY system.
- Much of this discrepancy can be attributed to racial profiling at the front end of the criminal justice practice. In 1999, 45% of those stopped and frisked on suspicion of

drug charges by the New York Police Department were Black, 36% Hispanic, and only 16% white, even though most drug users are white.